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7 Attorneys for Third-Party Defendant,

8 OPM, INC. dba CONSOLIDATED ROOFING

9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 AZURE MANOR/RANCHO DE PAZ
13 HOMEOWNERS ASSOCIATION, a Nevada
14 residential, common-interest planned community,

15 Plaintiff,

16 v.

17 D.R. HORTON, INC., a Delaware corporation,
and DOES 1-100, inclusive,

18 Defendant.

19 D.R. HORTON, INC.,

20 Third-Party Plaintiff,

21 v.

22 ALLARD ENTERPRISES d/b/a IRON
23 SPECIALISTS; AMERICAN ASPHALT &
24 GRADING COMPANY; ATRIUM DOOR AND
WINDOW COMPANY; BEBOUT CONCRETE,
25 INC.; BEL-AIR PLASTERING, INC.;
CENTRAL VALLEY INSULATION;
26 CREATIVE TOUCH INTERIORS, INC.;
DISTINCTIVE MARBLE, INC.; EFFICIENT
27 ENTERPRISES, INC. d/b/a EFFICIENT
ELECTRIC, INC.; GILMORE
28 CONSTRUCTION, LLC; HARRISON
LANDSCAPE COMPANY, LLC; MAJESTIC

CASE NO: 2:14-CV-02222-JCM-NJK

**STIPULATION AND ORDER DEEMING
THE SETTLEMENT AGREEMENT AND
RELEASE FULLY EXECUTED AS TO
THIRD-PARTY DEFENDANT, OPM, INC.
dba CONSOLIDATED ROOFING, AND
FOR DISMISSAL OF THIRD-PARTY
DEFENDANT, OPM, INC. dba
CONSOLIDATED ROOFING, WITH
PREJUDICE**

PLUMBING, INC.; NEVADA
LANDSCAPING, INC.; NEW CREATION
MASONRY, INC.; OPM, INC. d/b/a
CONSOLIDATED ROOFING; QUALITY
WOOD PRODUCTS, LTD.; SILVER STATE
FIREPLACES, INC.; SOUTHERN NEVADA
PAVING, INC.; SUMMIT DRYWALL &
PAINT, LLC; SUNRISE MECHANICAL, INC.;
SUNSTATE COMPANIES, INC. d/b/a
SUNSTATE LANDSCAPE; WESTERN
SHOWER DOOR; ZEPEDA BROS. PAINT &
DRYWALL, INC.; and DOES 1 through 150,

Third-Party Defendants.

IT IS HEREBY STIPULATED AND AGREED to as a Joint Motion pursuant to Local Rule 7-1(c) between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., by and through their counsel of record, the law firm of Wood, Smith, Henning & Berman LLP, and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, by and through its counsel of record, the law firm of LINCOLN, GUSTAFSON & CERCOS, LLP, as follows:

1. The Settlement Agreement and Release between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, is deemed fully executed as to OPM, INC. dba CONSOLIDATED ROOFING as OPM, INC. dba CONSOLIDATED ROOFING has ceased operations and has no one to execute the Release; and

2. The Third-Party Complaint, including and any amendments, cross-claims, or counter-claims, between the above-referenced parties are hereby dismissed, with prejudice, with each party to bear its own fees and costs.

DATED this 23rd day of June, 2020.

DATED this 23rd day of June, 2020.

LINCOLN, GUSTAFSON & CERCOS, LLP

**WOOD, SMITH, HENNING & BERMAN
LLP**

/s/ Paul D. Ballou

/s/ Elisa L. Wyatt

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Attorneys for Third-Party Defendant,

Attorneys for Defendant/Third-Party Plaintiff,

OPM, INC. dba CONSOLIDATED ROOFING

D.R. HORTON, INC.

ORDER

Based on the Stipulation and Joint Motion pursuant to Local Rule 7-1(c) of Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The Settlement Agreement and Release between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, is deemed fully executed as to OPM, INC. dba CONSOLIDATED ROOFING as OPM, INC. dba CONSOLIDATED ROOFING has ceased operations and has no one to execute the Release; and

2. The Third-Party Complaint, including and any amendments, cross-claims, or counter-claims, between the above-referenced parties are hereby dismissed, with prejudice, with each party to bear its own fees and costs.

DATED June 24, 2020.


UNITED STATES DISTRICT JUDGE

Submitted by:

LINCOLN, GUSTAFSON & CERCOS, LLP

/s/ Paul D. Ballou

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